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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,711	01/30/2002	Donald F. Evans	45176/234895	8183

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EXAMINER
CRANSON JR, JAMES W

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/060,711	Applicant(s) EVANS ET AL.
	Examiner James W Cranson	Art Unit 2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 19-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 19-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Election/Restrictions

Response to Traverse

Applicant's election of Group I, Claims 1-12 and 19-22 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Applicant's canceling of the non-elected Group II, Claims 13-18 and 23-26 is acknowledged.

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,3,5, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,190,020B1 to Hartley.

Regarding claims 1 and 3, Hartley discloses a light producing assembly for a self powered lamp including an array of light emitting diodes 72(column 8 lines 6-10 and column 12, lines 28-32), a power supply in the form of batteries 26(column 6, lines 5-6), a parabolic reflector(column 8, lines 20-28) to further disperse light produced by light emitting diodes.

Regarding claim 5, figures 9 and 10 have an array LEDs in a symmetrical pattern. It would have been obvious to one of ordinary skill in the art at the time of the invention to use an elliptical

pattern in place of the symmetrical in Hartley. This is taught by Hartley(column 12, lines 32-34) where Hartley teaches that various patterns of placement are possible for the LEDs.

Regarding claim 8, Hartley in figures 1,3 and 5 discloses transparent front housings 50 and 86 that provide for light to be emitted from the lighting device to an area of illumination.

Regarding claim 9, Hartley discloses a transparent protective cover 50. Hartley does not name the shape of the cover. It would have been obvious to one of ordinary skill in the art at the time of the invention to use an elliptical protective transparent in Hartley. The reason is that the cover has to be the same shape as the object that the cover is covering or the cover will not fit.

Regarding claim 10, Hartley discloses a switch 32(column 6, lines 13-20) that allows for activation of the LEDs.

Regarding claim 11, Hartley discloses a reflector 80 positioned to face the LEDs(column 8, lines 37-40. Hartley discloses (column 8 lines 25-28) that the reflector is parabolic.

Regarding claim 12, Hartley shows in figure 3 that the LEDs (68) are opposite the direction of wide area coverage of illumination from the reflector (80).

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley as set forth above in view of USPN 6,386,730 to Matthews. Hartley does not specifically disclose using a DC or AC energy source. Matthews discloses a self-powered LED lighting device that is rechargeable, has reflectors, and discloses A/C to D/C adapter (column 7, lines 60-65).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to use the A/C to D/C adapter of Matthews in Hartley because equivalent structure is known in the art. Substitution of a rechargeable battery system for a non- rechargeable system is well known in the art

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley in view of USPN 6,139,172 to Bos et al.

Hartley discloses a light producing assembly for a self powered lamp including an array of light emitting diodes 72(column 8 lines 6-10 and column 12, lines 28-32), a power supply in the form of batteries 26(column 6, lines 5-6), a parabolic reflector(column 8, lines 20-28) to further disperse light produced by light emitting diodes. Hartley does not disclose having his activation element (32) in circuitry for selectively activating the LEDs to provide multi-level illumination. Hartley does disclose incorporating a multiplexing circuit into the LED assembly (column 13, lines 27-30)Bos discloses a solid-state light source consisting of multiple LEDs that provide multi-level illumination(claims 2 and 4) and the circuitry for selectively activating the LEDs(figure9). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the multi-level illumination of Bos et al in Hartley, because in some situations non-glare producing illumination is preferred. Bos et al teaches this (column 1,lines 17-24)

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley in view of USPN 6,139,172 to Bos et al. as set forth above and in further view of Belliveau.). Hartley does not disclose low luminance amber LEDs and high luminance white LEDs. USPN 6,357,893 to

Belliveau discloses a self- powered LED lighting device using multiple colored LEDs including amber and white.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use amber LEDs and white LEDs of Belliveau in the multi-level illumination of Bos et al in Hartley because when more than one condition is displayed by the same type lighting device, different colors are used to avoid confusion.

Claims 19 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley in view of USPN 6,139,172 to Bos et al.

Hartley discloses a light producing assembly for a self powered lamp including an array of light emitting diodes 72(column 8 lines 6-10 and column 12, lines 28-32), a power supply in the form of batteries 26(column 6, lines 5-6), a parabolic reflector(column 8, lines 20-28) to further disperse light produced by light emitting diodes. Hartley does not disclose having his activation element (32) in circuitry for selectively activating the LEDs to provide multi-level illumination. Hartley does disclose incorporating a multiplexing circuit into the LED assembly (column 13, lines 27-30)Bos discloses a solid-state light source consisting of multiple LEDs that provide multi-level illumination(claims 2 and 4) and the circuitry for selectively activating the LEDs(figure9). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the multi-level illumination of Bos et al in Hartley because\ in some situations non-glare producing illumination is preferred. Bos et al teaches this (column 1,lines 17-24)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W Cranson whose telephone number is 703-305-5514. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O`Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

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March 3, 2003

Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800